

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03-12472-RCL

UNITED FOOD AND COMMERCIAL
WORKERS UNION, LOCAL 791,
AFL-CIO,

Plaintiff,

v.

SHAW'S SUPERMARKETS, INC.,
Defendant

**ANSWER OF UNITED FOOD AND COMMERCIAL WORKERS UNION,
LOCAL 791, AFL-CIO**

Plaintiff and Defendant-in-counterclaim United Food and Commercial Workers Union, Local 791, AFL-CIO (the "Union") answers the counterclaim of Shaw's Supermarkets, Inc. (the "Company") as follows:

1. The Union answers that the parties' collective bargaining agreement speaks for itself.
2. The Union denies that the Company used the "hourly rate" to calculate Supplemental STD benefits in approximately December, 1999. The Union admits that Shaw's began excluding employee overtime earnings from the calculation of supplemental short term disability benefits; conduct that violated the collective bargaining agreement.
3. Denied. Answering further, the Union states that prior to December 1999, the Company calculated Supplemental STD benefits by using the employee's actual

weekly earnings in the eight weeks preceding his or her date of disability or, if the earnings were less than the employee's 40-hour straight time rate, the employee's 40-hour straight time rate, to determine the employee's average weekly wage.

4. Admitted.

5. Denied.

6. Admitted.

7. The Union states that the June 6, 2003 Arbitration Award of Arbitrator Reginald Alleyne speaks for itself.

8. Denied.

9. Denied. Answering further, the Union states that the Arbitration Award speaks for itself and the Company did not comply with the methodology set forth in the Arbitration Award.

10. Denied.

11. Denied.

12. Denied.

13. Denied.

14. The Union incorporates its answers to the allegations in paragraphs 1 through 13 of the Company's counterclaim.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. The Union incorporates its answers to the allegations in paragraphs 1 through 18 of the Company's counterclaim.

20. Denied.

21. Denied.

22. Denied.

23. Denied.

24. The Union denies that the Company is entitled to the relief requested.

25. The Union denies that the Company is entitled to the relief requested.

UNITED FOOD AND COMMERCIAL
WORKERS UNION, LOCAL 791,
AFL-CIO,

By its attorneys,



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Dated: 4/14/04

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document
was served upon the attorney of record for each other
party by mail-hand on 4/15/04

